

Remarks

Claims 1-30 remain pending in the application. Claims 1-4, 6-15 and 17-30 stand rejected. Claims 5 and 16 are objected to as being dependent upon a rejected base claim. No claims are amended in this Response. The Assignee respectfully traverses the rejection and requests allowance of claims 1-30.

Claim Rejection Under 35 U.S.C. § 103

Claims 1-4, 6-15 and 17-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,775,267 to Kung et al. (hereinafter "Kung") in view of U.S. Patent No. 6,047,051 to Ginzboorg et al. (hereinafter "Ginzboorg"). The Assignee respectfully traverses the rejection in light of the following discussion.

Claim 1 provides, in part, "in the public switched telephone network billing system, receiving the start record and the end record and processing the start record and the end record to generate a bill." Claims 12 and 23 provide similar limitations.

The Office action indicates that the receiving of the start and the end record, and the processing of the records to generate a bill, is disclosed in Kung at Fig. 2 and column 16, lines 23-25. (Page 3 of the Office action.) Further, the Office action asserts that "Ginzboorg discloses the public switched telephone network billing system (see Fig. 2, element BS, col. 4, lines 27-35)." (Page 3 of the Office action.) However, in Kung the processing of the start and end records is not performed by a public switched telephone network billing system, since "Kung does not disclose the billing system is the public switched telephone network billing system." (Page 3 of the Office action.) Also, the charging data records (CDRs) disclosed in Ginzboorg that are receivable by a billing system provide both start and end times in each record, not in separate start and end records. (See column 9, line 50, to column 10, line 49.) Also, Ginzboorg identifies the use of the CDRs with multimedia services, not calls. (See column 10, lines 1-8.) Thus, neither Kung nor Ginzboorg teach or disclose "*in a public switched telephone network billing system, receiving the start record and the end record and processing the start record and the end record to generate a bill.*" Thus, the Assignee asserts that the public switched telephone network billing system referenced in claims 1, 12 and 23 is not taught or suggested by either Kung or Ginzboorg, and such indication is respectfully requested.

The Office action further indicates that “[a]t the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the public switched telephone network billing system teaching by Ginzboorg and Kung.” (Page 3 of the Office action.) The Assignee respectfully disagrees, as both Ginzboorg and Kung *teach away* from employing a public switched telephone network billing system, as employed in claims 1, 12 and 23 of the present application.

For example, Kung indicates in its background section that “[n]otwithstanding the promise of the Internet, *the tendency to date in existent voice over IP (VoIP) telecommunication billing systems is to emulate existent telephony billing arrangements.*” (Column 1, lines 54-57; emphasis supplied.) Kung then proceeds to teach methods for billing IP broadband customers for multimedia communications using an existing billing system *for a broadband network*, such as the legacy OSS billing system 195 of Fig. 1. (See column 3, lines 60-67, and column 6, lines 52-55.) Thus, Kung teaches away from billing a customer of a packet system *by way of a public switched telephone network billing system*, as provided for in claims 1, 12 and 23.

Similarly, Ginzboorg discusses in its background section that “[t]he centralized charging of telephone services is based on off-line charging and on the fact that in the network there are CDR [Charging Data Record] generators that *record the setup and release events.* However, this kind of charging is not technically suitable when multimedia services are offered in the network. First, most of the current multimedia services use IP (Internet Protocol), which is used for providing connectionless services. *Charging based on telephone network connections is not suitable for this kind of system.*” (Column 2, lines 10-19; emphasis supplied.) Thus, Ginzboorg teaches away using call setup and call complete messages to generate start and end records in order to generate a bill, as provided for in claims 1, 12 and 23.

Thus, since Kung and Ginzboorg teach away from the combination of elements set forth in claims 1, 12 and 23, the Assignee contends that no motivation exists to combine Ginzboorg and Kung to obtain the method, system, and software product of claims 1, 12 and 23, respectively, and such indication is respectfully requested.

Thus, based on at least the foregoing reasons, the Assignee asserts claims 1, 12 and 23 are allowable, and such indication is respectfully requested.

In addition, since claims 2-4 and 6-11 depend from independent claim 1, claims 13-15 and 17-22 depend from independent claim 12, and claims 24-30 depend from independent claim

23, the Assignee asserts that these sets of dependent claims are allowable for at least the reasons provided above for their respective independent claims.

Therefore, the Assignee respectfully requests that the rejection of claims 1-4, 6-15 and 17-30 be withdrawn.

Allowable Subject Matter

The Office action indicates that claims 5 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, the patentability of claims 5 and 16 is not discussed herein. The Assignee thanks the Examiner for his consideration of those particular claims.

Conclusion

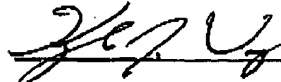
The prior art most recently made of record and not relied upon (i.e., U.S. Patent No. 6,240,091 to Ginzboorg et al.) has been reviewed and is not considered to teach or suggest the current invention as claimed.

Based on the above remarks, the Assignee submits that claims 1-30 are allowable. Additional reasons in support of patentability may exist, but such reasons are omitted in the interests of clarity and brevity. The Assignee respectfully requests allowance of claims 1-30.

The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

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